

Exhibit M

STATE OF MINNESOTA

COUNTY OF ANOKA

DISTRICT COURT

TENTH JUDICIAL DISTRICT

State of Minnesota, by its Attorney
General, Keith Ellison,
Plaintiff,

v.

CenturyTel, Broadband Services, LLC,
d/b/a CenturyLink Broadband,
QuestBroadband Services, Inc., d/b/a
CenturyLink; and Qwest Corporation,
d/b/a CenturyLink QC,
Defendant.

**ORDER ON
STATE'S MOTION
FOR SANCTIONS**

Court File No. 02-CV-17-3488

The above-entitled matter came before the Honorable Bethany A. Fountain Lindberg, Judge of District Court, at the Anoka County Courthouse in Anoka, Minnesota. On August 29, 2019, the parties appeared before the Court on the State of Minnesota's Motion for Sanctions. Alex Baldwin, Esq., appeared on behalf of Plaintiff, State of Minnesota. Russell Ponessa, Esq., appeared on behalf of Respondent, CenturyTel, Broadband Services, LLC.

Based on the evidence presented, the arguments of counsel, and all of the files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. On July 23, 2019, an Order was issued by Judge Meslow ordering Defendants (hereinafter, "CenturyLink") to supplement its responses to Interrogatories and Document Requests "consistent with the methodologies it provided to the other state as set forth in Exhibit P to the Baldwin Affidavit." (Meslow's Order, Memo at 10).
2. CenturyLink failed to comply with Judge Meslow's order and the matter came before this Court on a Motion to Compel brought by the State. This Court by its Order dated June 25, 2019, ordered CenturyLink to "answer the State's Interrogatory Nos. 29, 30, 31, and 32 using the methodologies used to answer state X's Interrogatory No. 39, as shown in CenturyLink's

December 9, 2016, answer and the supplemental answer to State X's Interrogatory No. 39, found at Dkt. #61[.]” (June 25, 2019, Order at 2).

3. CenturyLink did not provide the answers within the 30 day period. When CenturyLink did provide the answers they were deficient and the State had to request CenturyLink again supplement their answers. The Court finds CenturyLink did not fully comply with the Court's order dated June 25, 2019.
4. The Court warned should CenturyLink fail to comply with the Court's order dated June 25, 2019, it would consider monetary sanctions against CenturyLink.


CONCLUSIONS OF LAW

1. Minnesota Rule of Civil Procedure 37 provides the Court may impose sanctions against any party who “fails to obey an order to provide or permit discovery[.]” Minn. R. Civ. P. 37.02(b).

ORDER

1. The State shall submit an affidavit detailing reasonable expenses, including attorney fees, caused by CenturyLink's failure to obey the Court's Order dated June 25, 2019, on or before October 25, 2019, at 4:30 p.m. Upon receipt of the State's affidavit, the Court will determine if monetary sanctions are appropriate. Should the State fail to file an affidavit, the Court will deem it to have waived the award of a financial sanction.
2. A copy of this Order shall be sent to the parties or their attorneys, if any, by U.S. Mail or e-service as appropriate. Such service shall constitute due and proper notice for all purposes.

BY THE COURT:


Fountain Lindberg,
Bethany (Anoka Judge)
2019.10.15 14:44:06
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Bethany A. Fountain Lindberg
Judge of District Court